IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.4449 OF 2006

Sahadeo Mahadeo Pawar. ...Petitioner.

Vs.

Yusuf Mamuji Madraswala. ..Respondent .

.....

Mr.K.N. Kore for the Petitioner.

Mr.N.A. Nasikwala for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

July 17, 2006.

P.C. :

The Learned Trial Judge in the Court of Small Causes has indicated valid and cogent reasons why the issue as to jurisdiction would not be tried as a preliminary issue under Section 9A of the Code of Civil Procedure, but would be tried together with all the issues. That apart, the conduct of the Petitioner shows that the application for framing a preliminary issue was only to delay the proceedings. The trial of the suit has commenced

and the recording of the evidence of the

Plaintiff has been admittedly complete. No case for interference under Article 227 of the Constitution is made out. The Petition is dismissed.

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